

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 14TH DAY OF MAY,
2007 AT 6:00 P.M. IN THE BOARD CHAMBERS, 755 ROANOKE STREET,
CHRISTIANSBURG, VIRGINIA:

PRESENT:	Mary W. Biggs	-Vice Chair
	Gary D. Creed	-Supervisors
	Doug Marrs	
	John A. Muffo	
	Annette S. Perkins	(arrived at 6:30 p.m.)
	B. Clayton Goodman, III	-County Administrator
	Martin M. McMahon	-County Attorney
	L. Carol Edmonds	-Assistant County Administrator
	T. C. Powers, Jr.	-Planning Director
	Judy Kiser	-Assistant to the County Administrator
ABSENT:	Steve L. Spradlin	-Chair
	James D. Politis	-Supervisor

CALL TO ORDER

The Vice Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by John A. Muffo, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711 (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiation Strategy of the Public Body
1. Flex- Space RFP
 2. Falling Branch Corporate Park
 3. Courthouse
 4. Elliston-Lafayette Elementary School Site

- (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business' or Industry' s Interest in Locating or Expanding its Facilities in the Community.

1. Project # 2007010

- (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. Commerce Park Participation Agreement

- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Adjustment and Appeals Board
2. Board of Zoning & Appeals
3. Social Services Board

The vote on the foregoing motion was as follows:

AYE

John A. Muffo

Gary D. Creed

Doug Marrs

Mary W. Biggs

NAY

None

ABSENT

Steve L. Spradlin

James D. Politis

Annette S. Perkins

Supervisor Annette Perkins arrived at the meeting at 6:30 p.m.

OUT OF CLOSED MEETING

On a motion by Doug Marrs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

AYE

Doug Marrs
Gary D. Creed
Annette S. Perkins
John A. Muffo
Mary W. Biggs

NAY

None

ABSENT

Steve L. Spradlin
James D. Politis

CERTIFICATION OF CLOSED MEETING

On a motion by Doug Marrs, seconded by John A. Muffo and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Doug Marrs
Gary D. Creed
John A. Muffo
Annette S. Perkins (certified for the time she was present)
Mary W. Biggs

NAYS

None

ABSENT DURING VOTE

Steve L. Spradlin
James D. Politis

ABSENT DURING MEETING

Steve L. Spradlin
James D. Politis

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DELEGATIONS

Virginia Department of Transportation-Update from Residency Administrator

David Clarke, VDoT's Residency Administrator, provided an update on the following roads:

Stroubles Creek Road (SR 619): VDoT is currently working on this widening project. Approximately 50% of the project is completed.

Big Vein Road: This is currently a private road being brought up to state standards as a rural addition. VDoT had a meeting with the citizens of Big Vein Road on April 19th concerning right-of-way agreements. Supervisor Steve Spradlin and Planning Director Joe Powers also attended this meeting.

North Fork Road (SR 603): VDoT will be doing pipe replacement on North Fork Road, close to the nursery in Ellett. There is currently a weight limit on the structure because the pipe is in bad shape. This work will require closure of the road for a few days. VDoT has discussed this with the schools transportation department and the work will not begin until the school year is complete. This information will be widely publicized and communicated to the County's fire and rescue personnel as well.

Summer Paving: VDoT is preparing to start their summer paving on secondary roads. A list of the roads scheduled for surface treatment and asphalt paving were previously provided to the County Administrator and forwarded to the Board of Supervisors.

Primary Roads: The big project this year is Radford Road (US 11), which will be paved from the corporate limits of Christiansburg to the corporate limits of Radford. VDoT does not yet have a definite date for the work to commence, but this project will also be widely publicized. VDoT will include a small amount of trench widening, adding approximately 1-1½ feet onto the edges of the road.

Entrance Road to Auburn Elementary: The Montgomery County Public Schools' Director of Facilities Management requested a speed limit reduction on the entrance road to Auburn Elementary School. Since this is a fairly long entrance road, VDoT approved the speed limit reduction and signs will be installed as schedules permit.

Transportation Plan for 6-Year Secondary Road Improvement The County Administrator requested a status report on finalizing of the actions of the General Assembly on whether the Transportation Plan had been signed by the Governor and if the funding for Montgomery County will be more or less than what was anticipated last fall when the Board had its public hearing. It was anticipated that Montgomery County would receive approximately \$1.4 million at that time. According to Mr. Clarke, it now appears that approximately \$1.6 million will be allocated to Montgomery County. That

being state money, VDoT can put it on Mt. Pleasant Road (SR 639) and still stay on track with having a federally eligible road in the program, which is Piney Woods (SR 600).

Revenue Sharing Funds: In response to the County Administrator's request for a status report on Revenue Sharing Funds, Mr. Clarke reported the amount has been increased from \$15 million to \$50 million. However, first consideration will still be given to those localities that ask for \$1 million or more, and second requests, if there is money left over after that, will go to those localities that agree to administer the projects themselves.

Craig Creek Road (SR 621): This road is currently in the environmental impact study phase. Hopefully, VDoT will begin on the project in late summer of 2007.

PUBLIC ADDRESS SESSION

There were no speakers.

CONSENT AGENDA

On a motion by Annette S. Perkins, seconded by Gary D. Creed and carried unanimously, the Consent Agenda dated May 14, 2007 was approved. The vote was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	Steve L. Spradlin
Gary D. Creed		James D. Politis
John A. Muffo		
Doug Marrs		
Mary W. Biggs		

Approval of Minutes

On a motion by Annette S. Perkins, seconded by Gary D. Creed and carried unanimously, the Minutes dated March 5, March 12, March 19, March 26 and April 5, 2007 were approved.

Comprehensive Services Act-Supplemental Appropriation and Transfer from Special Contingencies

A-FY-07-110 COMPREHENSIVE SERVICES ACT SUPPLEMENTAL APPROPRIATION AND TRANSFER FROM SPECIAL CONTINGENCIES

On a motion by Annette S. Perkins, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2007, for the function and in the amount as follows:

510	Comprehensive Services Act	\$71,660
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

02510-424445	Comprehensive Services Act	\$71,660
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BE IT FURTHER RESOLVED, That a transfer is hereby authorized as follows:

FROM:

960	Special Contingencies – CSA	(\$28,340)
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TO:

510	Comprehensive Services Act	\$28,340
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Said resolution appropriates a supplemental allocation from the state for the Comprehensive Services Act and transfers the local match from special contingencies.

Economic Development Governor's Opportunity Fund-Appropriation

**A-FY-07-111
ECONOMIC DEVELOPMENT
GOVERNOR'S OPPORTUNITY FUND**

On a motion by Annette S. Perkins, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2007, for the function and in the amount as follows:

810	Economic Development	\$150,000
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

24500	Governor's Opportunity Fund	\$150,000
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Said resolution appropriates funds received as part of the Governor's Opportunity Fund for Federal Mogul.

Sheriff-Appropriate Recovered Costs

**A-FY-07-112
SHERIFF
RECOVERED COSTS**

On a motion by Annette S. Perkins, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2007, for the function and in the amount as follows:

310	Sheriff – Comp Board	\$ 275
320	Sheriff – County	\$8,111
321	Sheriff – Grants	<u>\$ 285</u>
	Total	\$8,671

The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>		
419108	Recovered Costs	\$ 282
434401	Bullet Proof Vest Partnership	\$8,104
419104	Confiscations	\$ 160
424401	Project Lifesaver	<u>\$ 125</u>
	Total	\$8,671

Said resolution appropriates recovered costs, bullet proof vest partnership funds, confiscations and project lifesaver funds for use by the Sheriff's department.

Treasurer-DMV Stop Fee-Appropriate Funds

**A-FY-07-113
TREASURER
DMV STOP FEE**

On a motion by Annette S. Perkins, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2007 for the function and in the amount as follows:

162	Treasurer's Collections	\$1,976
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The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>		
411604	DMV Stop Administrative Fee	\$1,920
416010	Warrant in Debt Fee	<u>56</u>
	Total	\$1,976

Said resolution appropriates monies received from taxpayers for DMV service charges for stops on license issuance and warrant in debt fees.

Circuit Court Jury Reimbursement-Appropriation

A-FY-07-114 CIRCUIT COURT JURY REIMBURSEMENT

On a motion by Annette S. Perkins, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2007, for the function and in the amount as follows:

210	Circuit Court - Juries	\$2,447
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
419122	Jury Reimbursements	\$2,447

Said resolution appropriates the state's portion of jury payments for criminal cases.

Juvenile and Domestic Relations Court-Supplemental Appropriation

A-FY-07-115 JUVENILE AND DOMESTIC RELATIONS COURT

On a motion by Annette S. Perkins, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2007, for the function and in the amount as follows:

230	Juvenile and Domestic Relations Court	\$2,000
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

451203	Undesignated Fund Balance	\$2,000
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Said resolution appropriates funds necessary to cover expenses for the Juvenile and Domestic Relations Court Clerk through June 30, 2007.

General District Court-Supplemental Appropriation

A-FY-07-116

GENERAL DISTRICT COURT

On a motion by Annette S. Perkins, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2007, for the function and in the amount as follows:

220	General District Court	\$3,150
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

451203	Undesignated Fund Balance	\$3,150
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Said resolution appropriates funds necessary to cover expenses for the General District Court through June 30, 2007.

Vacation of Public Utility Easement-Cold Mountain Subdivision Lots 1 and 2

R-FY-07-176

**VACATION OF PUBLIC UTILITY EASEMENT
COLD MOUNTAIN SUBDIVISION LOTS 1 & 2**

On a motion by Annette S. Perkins, seconded by Gary D. Creed and carried unanimously,

WHEREAS, The Plat of Boundary Line Vacation on the Properties of Rodney and Sandra Howell requests the vacation of a 15' public utility easement on Lots 1 and 2 of Cold Mountain Subdivision on behalf of the landowners, and

WHEREAS, Section 15.2-2270 of the Code of Virginia, as amended, permits the Board of Supervisors to vacate public utility and drainage easements upon request of the landowners involved.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby approve the Plat of Boundary Line Vacation on the Properties of Rodney and Sandra Howell prepared by Mathews and Henegar Inc. Job No. F516507 dated March 22, 2007), involving Tax Parcels No. 89-3-1 and 2 (Acct ID# 130233 and 130234 respectively) in the Riner Magisterial District.

FURTHER, The Subdivision Agent is hereby authorized to sign said plat for recordation.

Livestock Claim-C.T. Wood, III

**R-FY-07-178
LIVESTOCK CLAIM
C.T. WOOD, III**

On a motion by Annette S. Perkins, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that C.T. Wood, III is hereby compensated \$140.00 for the loss of fourteen chickens.

NEW BUSINESS

Schedule Public Hearing-Tax Exemption Request from the Friends of the Huckleberry

**R-FY-07-177
RESOLUTION AUTHORIZING THE SCHEDULING OF A PUBLIC HEARING
ON A PROPOSED ORDINANCE DESIGNATING CERTAIN REAL PROPERTY
LOCATED AT 2700 MEADOWBROOK DRIVE IN THE TOWN OF
BLACKSBURG, MONTGOMERY COUNTY, VIRGINIA OWNED BY THE
FRIENDS OF THE HUCKLEBERRY, INC. EXEMPT FROM TAXATION**

On a motion by Gary D. Creed, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby agrees to schedule a public hearing for June 25, 2007, at 7:15 p.m., or as soon thereafter at the Montgomery County Government Center, 2nd Floor Board Room, 755 Roanoke Street, Christiansburg, Virginia, to hear citizen comments on the proposed ordinance designating certain real property located at 2700 Meadowbrook Drive in the Town of Blacksburg, Montgomery County, Virginia owned by the Friends of the Huckleberry, Inc. exempt from taxation.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	Steve L. Spradlin
John A. Muffo		James D. Politis
Annette S. Perkins		
Doug Marrs		
Mary W. Biggs		

INTO WORK SESSION

On a motion by Doug Marrs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. State Funding for Farm and Forest Land Preservation
2. Village Transportation Link Plan (VITL)

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	Steve L. Spradlin
John A. Muffo		James D. Politis
Annette S. Perkins		
Gary D. Creed		
Mary W. Biggs		

State Funding for Farm and Forest Land Preservation Planning Director Joe Powers reported the General Assembly approved \$4.25 million in matching funds to assist local governments with PDR (Purchase of Development Rights) programs for farm and forest land preservation. The Board of Supervisors currently has \$71,068 set aside in an acquisition fund for the purchase of conservation easements. These funds represent excess roll-back taxes collected over the past two fiscal years through the land use assessment and taxation program. If the Board wishes to participate in the state program, the \$71,068 in existing local funds could be used to leverage an additional \$71,000 in state funds for farm and forest land preservation in Montgomery County. A local PDR program would have to be developed and adopted by August 31st in order to meet the deadline. The state requires a 50/50 match, with the potential for using that amount to qualify for matching federal funds.

This matter will be listed on the Board's May 29, 2007 agenda for discussion with all Board members present. At that time, the Board may decide whether to direct planning staff to proceed to develop a plan and make application before the August 31st deadline, delay it to the second year, or determine there is no interest.

Village Transportation Link Plan (VITL) The Planning Director explained that the goal of the Village Transportation Link project is to develop a comprehensive bicycle, pedestrian, and greenways master plan for each of the six designated villages in the

County's Comprehensive Plan. Since there is a plan for each of the 7 villages this will be considered an amendment to the Comprehensive Plan, which requires a public hearing. The Planning Commission has scheduled a public hearing for May 16, 2007. The Board of Supervisors' public hearing will be on June 12, 2007, and will be listed on the Board's June 26, 2007 agenda for action.

There is an effort to get the village plans completed prior to July 1, 2007 due to new VDoT regulations that become effective on July 1, requiring that all comprehensive plans, as well as large scale private rezonings in subdivisions have to be submitted to VDoT for a traffic impact analysis. For our Comprehensive Plan this would mean the County would need to hire an outside traffic engineer to assist with this analysis that would have to be submitted to VDoT along with the plan, although there will be an insignificant impact on the traffic.

OUT OF WORK SESSION

On a motion by Doug Marrs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	Steve L. Spradlin
John A. Muffo		James D. Politis
Annette S. Perkins		
Gary D. Creed		
Mary W. Biggs		

COUNTY ADMINISTRATOR'S REPORT

Meadowbrook Facility Lease Revisions The County Administrator reported that Mountain Valley Charitable Foundation, Inc., who leases most of the Meadowbrook Facility except for the Library area, has asked to increase the leased space from 18,000sf to 32,500 sf and make two major changes to the lease. The first change being sought is for the County to remove from the lease the restriction that the Meadowbrook Facility only be used for "non-profit community purposes". The tenant wishes to sublet the additional unused leased area to tenants who are not necessarily non-profit organizations, and use the rental income to create a dedicated revenue stream which would assist the tenant in its endeavors in operating the Meadowbrook Community Facility. This would provide a dedicated revenue stream which would help the tenant offset future budgetary demands due to operating the Meadowbrook Facility. The possible negative result of such a change is that the Board may be criticized for allowing the Meadowbrook Facility to be in direct competition with any other property in the Shawsville area who may wish to provide rental space for business activity.

The second significant change requested is that the tenant wishes to be able to provide alcoholic beverages on site for tenants and other parties who may wish to rent short term the Facility's meeting rooms and large community room. Historically the County has not allowed alcoholic beverage sales on County property. A draft copy of a revised Lease Agreement was provided to Board members for their review.

Supervisor Gary Creed asked that the amended Lease Agreement stipulate that any and all money collected by the tenant will go only to that project (Meadowbrook) and no other. This matter will be listed on the May 29, 2007 agenda for consideration by the Board.

BOARD MEMBERS' REPORTS

Supervisor John Muffo stood in for Vice Chair Mary Biggs when he made a trip to Washington, DC to meet with Congressman Rick Boucher about a bill that is currently before Congress and sponsored by Congressman Boucher, with bipartisan co-sponsorship, that could affect Montgomery County. H.R.1011 was introduced as the Virginia Ridge and Valley Act of 2007, which designates certain lands in the Jefferson National Forest (including Brush Mountain and Brush Mountain East) as Wilderness. That part of the bill is most controversial because the Forest Service does not want it to be wilderness area, they want it to be managed. Basically, what that means is that the Forest Service wants to be able to burn it.

Supervisor Doug Marrs thanked the members of the Board for the flowers that were sent to his Mother's funeral.

Supervisor Mary Biggs, on behalf of the Board, expressed condolences to Supervisor Doug Marrs on the recent death of his Mother.

Supervisor Biggs reported that the School Board established their salary scales last week and the employees, on average, will receive a step increase except for those at the top of the scale, who will receive .4%. At the School Board's meeting on May 15th, Margaret Beeks and Prices Fork Elementary will be recognized as "Title I Distinguished Schools". They are among 136 schools recently named by the Virginia Department of Education as "Title I Distinguished Schools". These schools receive funding under Title I of the No Child Left Behind Act. Schools must meet federal benchmarks in reading and mathematics, maintain full accreditation for two consecutive years, and have mean test scores for both English and math at the 60th percentile or higher to be named a "Title I Distinguished School". Also at the School Board's May 15th meeting, students will be honored who came in as runners up in the State History Day Competition. In the Historical Paper-Junior Division second place went to Cheyenne Pierce who is a student at Auburn Middle School. In the Group Documentary-Junior Division, second place went to Lucy Bratt and Wilson Hammon who are students at Blacksburg High School. These students will compete in the National competition in June.

The Library Board will meet at 3:30 on Wednesday, May 16th. Their agenda will include discussion of budget issues.

While Supervisor Muffo was in Washington, Supervisor Mary Biggs attended the Planning Commission meeting as his alternate. The agenda included a rezoning request from an area in Riner that was called the Thornton Hill Subdivision. Because of a lot of questions about how the homeowners were going to go with this particular request, the Planning Commission tabled the request to their next meeting. The Planning Commission approved the Belview Village Plan, and amendment to the Comprehensive Plan in the Plum Creek and Shawsville areas. A citizen came forward to talk about the fact that the Plum Creek community is really concerned about the trash on Route 11, and wanted to know if there is anything they can do about getting it cleaned up.

Planning Commission members asked Supervisor Biggs about the Board of Supervisors' recent vote against the request for a rezoning and special use permit for a dog training and day care center on Cinnabar Road. The Planning Commission had voted unanimously to recommend approval of the request. Ms. Biggs responded that the Board of Supervisors usually supports the Planning Commission's recommendations and values the time they spend on County issues. At that meeting the Planning Commission also discussed an upcoming conference for Building Trails to a Cleaner Future scheduled for May 17-19 at Radford University. Supervisor Biggs has a flyer about the conference if Board members are interested.

ADJOURNMENT

On a motion by Annette S. Perkins, seconded by Gary D. Creed and carried unanimously, the Board adjourned to Tuesday, May 29, 2007.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	Steve L. Spradlin
Gary D. Creed		James D. Politis
John A. Muffo		
Doug Marrs		
Mary W. Biggs		

The meeting adjourned at 8:28 p.m.

APPROVED: _____	ATTEST: _____
Steve L. Spradlin Chair	B. Clayton Goodman, III County Administrator